



Growth Management Committee

**Tuesday, February 7, 2006
1:15 PM – 3:15 PM
212 Knott Building**

Committee Action

COMMITTEE MEETING REPORT

Growth Management Committee

2/7/2006 1:15:00PM

Location: 212 Knott Building

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Randy Johnson (Chair)	X		
Anna Benson	X		
Jennifer Carroll	X		
Mike Davis	X		
D. Alan Hays	X		
Bob Henriquez	X		
Carlos Lopez-Cantera	X		
Ari Porth	X		
William Proctor	X		
Shelley Vana	X		
Totals:	10	0	0

COMMITTEE MEETING REPORT

Growth Management Committee

2/7/2006 1:15:00PM

Location: 212 Knott Building

HB 351 CS : Community Residential Homes

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Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Anna Benson	X				
Jennifer Carroll	X				
Mike Davis	X				
D. Alan Hays				X	
Bob Henriquez	X				
Carlos Lopez-Cantera	X				
Ari Porth	X				
William Proctor	X				
Shelley Vana	X				
Randy Johnson (Chair)	X				
Total Yeas: 9		Total Nays: 0			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 351 CS

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☐ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

Council/Committee hearing bill: Growth Management Committee

Representative(s) Lopez-Cantera offered the following:

Amendment (with directory and title amendments)

Remove line(s) 31 - 68 and insert:

(b) "Licensing entity" or "licensing entities" means the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services or the Agency for Health Care Administration, which is authorized to license a "community residential home" to serve residents, as defined in paragraph (c).

~~(b) "Department" means the Department of Children and Family Services.~~

(c) "Local government" means a county as set forth in chapter 7 or a municipality incorporated under the provisions of chapter 165.

(d) "Resident" means any of the following: a frail elder as defined in s. 400.618; a physically disabled or handicapped person as defined in s. 760.22(7)(a); a developmentally disabled

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Amendment No. 1

person as defined in s. 393.063; a nondangerous mentally ill person as defined in s. 394.455(18); or a child as defined in s. 39.01(14), s. 984.03(9) or (12), or s. 985.03(8).

(e) "Sponsoring agency" means an agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

(2) Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use for the purpose of local laws and ordinances. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning without approval by the local government, provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Such homes with six or fewer residents shall not be required to comply with the notification provisions of this section; ~~provided, however, that, prior to occupancy, the~~ sponsoring agency provides the local government with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits of the local government in which the proposed site is to be located in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents. At the time of home occupancy, the sponsoring agency must notify ~~or the department notifies the local government at the time of home occupancy that the home is licensed by the licensing entity~~ department.

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Amendment No. 1

52 (3)(a) When a site for a community residential home has
53 been selected by a sponsoring agency in an area zoned for
54 multifamily, the agency shall notify the chief executive officer
55 of the local government in writing and include in such notice
56 the specific address of the site, the residential licensing
57 category, the number of residents, and the community support
58 requirements of the program. Such notice shall also contain a
59 statement from the licensing entity ~~district administrator of~~
60 ~~the department~~ indicating ~~the need for and~~ the licensing status
61 of the proposed community residential home and specifying how
62 the home meets applicable licensing criteria for the safe care
63 and supervision of the clients in the home. The sponsoring
64 agency ~~district administrator~~ shall also provide to the local
65 government the most recently published data compiled from the
66 licensing entities that identifies all community residential
67 homes within in the local government ~~district~~ in which the
68 proposed site is to be located. The local government shall
69 review the notification of the sponsoring agency in accordance
70 with the zoning ordinance of the jurisdiction.

71 (b) Pursuant to such review, the local government may:

72 1. Determine that the siting of the community residential
73 home is in accordance with local zoning and approve the siting.
74 If the siting is approved, the sponsoring agency may establish
75 the home at the site selected.

76 2. Fail to respond within 60 days. If the local government
77 fails to respond within such time, the sponsoring agency may
78 establish the home at the site selected.

79 3. Deny the siting of the home.

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Amendment No. 1

(c) The local government shall not deny the siting of a community residential home unless the local government establishes that the siting of the home at the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.

2. Does not meet applicable licensing criteria established and determined by the licensing entity ~~department~~, including requirements that the home be located to assure the safe care and supervision of all clients in the home.

3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zone shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area.

(4) All distance requirements in this section shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

(5) If agreed to by both the local government and the sponsoring agency, a conflict may be resolved through informal mediation. The local government shall arrange for the services of an independent mediator or may utilize the dispute resolution process established by a regional planning council pursuant to s. 186.509. Mediation shall be concluded within 45 days of a request therefor. The resolution of any issue through the

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Amendment No. 1

110 mediation process shall not alter any person's right to a
111 judicial determination of any issue if that person is entitled
112 to such a determination under statutory or common law.

113 (6) The licensing entity ~~department~~ shall not issue a
114 license to a sponsoring agency for operation of a community
115 residential home if the sponsoring agency does not notify the
116 local government of its intention to establish a program, as
117 required by subsection (3). A license issued without compliance
118 with the provisions of this section shall be considered null and
119 void, and continued operation of the home may be enjoined.

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2/7/2006 1:15:00PM

Location: 212 Knott Building

Other Business Appearance:

Current Programs

Wellington Meffert, General Counsel (Lobbyist) (At Request Of Chair) - Information Only
Florida Housing Finance Corporation
227 North Bronough Street, Ste 5000
Tallahassee FL 32301
Phone: 850-488-4197

Development

Lloyd J. Boggio, CEO (At Request Of Chair) (General Public) - Information Only
The Carlisle Development Group
2950 SW 27th Avenue
Miami FL
Phone: 305-476-8118

Enterprise Florida

Chris Hart, Sr. Vice President (Lobbyist) (At Request Of Chair) - Information Only
Enterprise Florida
390 N. Orange Avenue
Orlando FL 32801
Phone: 407-316-4566

Financing

Guy Marvin, III, President (Lobbyist) (At Request Of Chair) - Information Only
Florida Insurance Council
P. O. Box 13686
Tallahassee FL 32317
Phone: 850-386-6686

Historic Perspective

Mark Hendrickson (At Request Of Chair) (General Public) - Information Only
The Hendrickson Company
1404 Alban
Tallahassee FL 32301
Phone: 850-671-5601

Insurance

Michael Fields (Lobbyist) (At Request Of Chair) - Information Only
Bank of America
315 S. Calhoun Street
Tallahassee FL 32301
Phone: 850-561-1720

Local/Public Providers

Corey G. Matthews, Executive Director (At Request Of Chair) (General Public) - Information Only
Florida Association of Housing & Redevelopment Officials
P. O. Box 14629
Tallahassee FL 32317
Phone: 850-222-6000

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Location: 212 Knott Building

Redevelopment

Floyd T. Johnson, Executive Director (At Request Of Chair) (General Public) - Information Only

Rivera Beach CRA

The Florida Redevelopment Association 2001 Broadway; Suite 300

Rivera Beach FL 33404

Phone: 561-844-3408

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Summary:

Growth Management Committee

Tuesday February 07, 2006 01:15 pm

HB 351 CS Favorable With Committee Substitute

Yeas: 9 Nays: 0